IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

SAMMY LEE MEBANE, JR.,　　　　　　　)
　　　　　　　　　　　　　　　　　)
　　　　　Petitioner,　　　　　　　)
　　　　　　　　　　　　　　　　　)　　　　1:15CV711
　　　v.　　　　　　　　　　　　　)　　　　1:11CR301-2
　　　　　　　　　　　　　　　　　)
UNITED STATES OF AMERICA,　　　　)
　　　　　　　　　　　　　　　　　)
　　　　　Respondent.　　　　　　　)

ORDER

This matter is before this court for review of the
Recommendation filed on May 4, 2016, by the Magistrate Judge in
accordance with 28 U.S.C. § 636(b). (Doc. 92.) In the
Recommendation, the Magistrate Judge recommends that
Petitioner's Motion to Vacate, Set Aside, or Correct Sentence
pursuant to 28 U.S.C. § 2255 (Doc. 86) be dismissed without
issuance of a certificate of appealability. The Recommendation
was served on the parties to this action on May 4, 2016 (Doc.
93). Petitioner timely filed objections (Doc. 94) to the
Recommendation.

This court is required to "make a de novo determination of
those portions of the [Magistrate Judge's] report or specified
proposed findings or recommendations to which objection is made."
28 U.S.C. § 636(b)(1). This court "may accept, reject, or

modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.

This court has appropriately reviewed the portions of the Recommendation to which objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation (Doc. 92) is **ADOPTED. IT IS FURTHER ORDERED** that Petitioner's Motion to Vacate, Set Aside, or Correct Sentence (Doc. 86) is **DENIED** and that this action is dismissed with prejudice. A Judgment dismissing this action will be entered contemporaneously with this Order. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

This the 28th day of June, 2016.

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United States District Judge